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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/996,162

11/27/2001

Thomas M. Cronin

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07/21/2004

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EXAMINER

PHAN, HUY Q

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/996,162

Applicant(s)

CRONIN, THOMAS M.

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-10, 14-18, 22, 23, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Akhterzzaman et al. (US-6,418,309).

Regarding claim 1, Akhterzzaman et al. disclose in figure 3, a method comprising:

associating a command with an event at a first device (fig. 3, box 301 and [0019]);

communicating the command to a second device when the event occurs (fig. 3, box 303 and [0019]);

causing an action at the second device depending on the command (fig. 3, [0019] and [0020]), the action comprising at least one of:

disabling an alert mechanism of the second device [0019];

enabling the alert mechanism of the second device [0020]; and

modifying a setting of the alert mechanism of the second device; and

if the alert mechanism of the second device is enabled, activating the alert mechanism of the second device in response to an alert being required [0020].

Regarding claim 2, Akhterzzaman et al. disclose a method as recited in the rejection of claim 1, wherein activating the alert mechanism of the second device in response to the alert being required further comprises activating the alert mechanism in response to:

a specific internal event [0011], detected by the second device ([0016]-[0018]);  
a signal requesting the alert, sent from a third device to the second device [0019]; and  
the signal requesting the alert, sent from the first device to the second device ([0019]-[0020]).

Regarding claim 3, Akhterzzaman et al. disclose a method as recited in the rejection of claim 1, wherein:

the event is a scheduled event on a stored schedule that is accessible by the first device ([0011] and [0016]); and  
associating the command with the event further comprises associating the command with the scheduled event ([0019]-[0020]).

Regarding claim 4, Akhterzzaman et al. disclose a method as recited in the

rejection of claim 3, wherein determining when the event has occurred further comprises:

- determining a clock time from a clock [0011];
- accessing the stored schedule [0016]; and
- determining from the stored schedule whether the scheduled event is associated with the clock time ([0016] and [0019]).

Regarding claim 5, Akhterzzaman et al. disclose a method as recited in the rejection of claim 4, wherein associating the command with the event further comprises constructing the command depending on one or more of the clock time and the scheduled event ([0011] and [0016]).

Regarding claim 6, Akhterzzaman et al. disclose a method as recited in the rejection of claim 4, wherein causing the action at the second device further comprises sending a signal requesting the alert to the second device [0019].

Regarding claim 8, Akhterzzaman et al. disclose a method as recited in the rejection of claim 1, wherein communicating with the second device further comprises broadcasting a message comprising the command by the first device (fig. 3, box 311 and [0019]-[0020]).

Regarding claim 9, Akhterzzaman et al. disclose a method as recited in the rejection of claim 1, wherein communicating with the second device further comprises: sending a polling message from the second device to the first device; receiving the polling message at the first device; and in response to the polling message, receiving a message comprising the command from the first device ([0013]-[0015]).

Regarding claim 10, Akhterzzaman et al. disclose a method as recited in the rejection of claim 1, wherein communicating with the second device further comprises: Sending a request message from the second device to the first device in response to an alert being required [0019]; and Receiving a message comprising the command from the first device at the second device in response to the request message ([0019] and [0020]).

Regarding claim 14, Akhterzzaman et al. disclose a method as recited in the rejection of claim 1, wherein modifying the setting of the alert mechanism comprises selecting one or more of a plurality of alternative modes of the alert mechanism of the second device [0009].

Regarding claim 15, Akhterzzaman et al. disclose a method as recited in the rejection of claim 14, wherein selecting one or more of the plurality of alternative modes further comprises selecting one or more of: an audible alert mode; a tactile vibration alert mode; and an illuminating alert mode [0009].

Regarding claim 16, Akhterzzaman et al. disclose in figure 1, an apparatus comprising:

- a first device (123 and 115) to associate a command with an event [0011] and to transmit a message comprising the command (fig. 3, box 303 and [0019]);

- a second device (119) to receive the message (fig. 3, box 305 and [0019]-[0020]) and to perform an action depending on the command (fig. 3 and [0019]-[0020]); and

- an alert mechanism of the second device with one or more of a capability to be enabled in response to the command [0010];

- a capability to be disabled in response to the command (fig. 2, box 209); and

- a setting [0010], modifiable in response to the command [0009], wherein the alert mechanism, if the alert mechanism is enabled, is capable of being activated in response to an alert being required (fig. 2, box 217 and .

Regarding claim 17, Akhterzzaman et al. disclose an apparatus as recited in the rejection of claim 16, wherein the alert mechanism of the second device may be activated, if the alert mechanism is enabled, in response to one or more of:

- a specific event detected by the second device [0011];

- a signal requesting activation of the alert mechanism, sent from a third device [0019]; and

- the signal requesting activation of the alert mechanism, sent from the first device (fig. 3 and [0019]-[0020]).

Regarding claim 18, Akhterzzaman et al. disclose an apparatus as recited in the rejection of claim 16, further comprising:

a storage component (fig. 1, boxes 137 and 145) accessible by the first device, to store a schedule ([0014]-[0018]), wherein the event further comprises a scheduled event stored in the schedule [0011]; and

a clock to provide a clock time to one or more of the first device and the second device ([0016] and [0011]).

Regarding claim 22, Akhterzzaman et al. disclose an apparatus as recited in the rejection of claim 16, wherein the setting comprises a selection of one or more of a plurality of alternative modes of the alert mechanism [0009].

Regarding claim 23, Akhterzzaman et al. disclose an apparatus as recited in the rejection of claim 22, wherein the selection of one or more of the plurality of alternative modes further comprises the selection of one or more of: an audible alert mode; a tactile alert mode; and an illuminating alert mode [0009].

Regarding claim 26, Akhterzzaman et al. disclose a machine accessible medium on which is stored data that when accessed by a machine causes it to perform the method of claim 1 [0021].



Regarding claim 27, Akhterzzaman et al. disclose a machine accessible medium on which is stored data that when accessed by a machine causes it to perform the method of claim 5 [0021].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhterzzaman et al.

Regarding claims 7 and 25, Akhterzzaman et al. disclose a method and an apparatus as recited in the rejections of claims 5 and 18, respectively, wherein:

the second device is a cellular telephone (fig. 1, feature 119 and [0012]); the alert mechanism of the second device comprises a ringer of the cellular telephone [0010];

disabling the alert mechanism of the second device (fig. 2, box 209) comprises muting the ringer of the cellular telephone [0009]; and

communicating the command comprises transmitting the command from the first device to the cellular telephone, over a wireless network (fig. 1 and [0009]).

But, Akhterzzaman et al. do not particularly disclose the first device (fig. 1, feature 115 and [0012]) being a personal digital assistant. However, the examiner takes official notice that the personal digital assistant is extremely well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Akhterzzaman et al. by specifically having the first device being a personal digital assistant for purpose of controlling advantageously and remotely the alert mechanism of a mobile phone by using the friendly device such as PDA.

Regarding claim 28, Akhterzzaman et al. disclose a machine accessible medium on which is stored data that when accessed by a machine causes it to perform the method of claim 7 [0021].

5. Claims 11-13 and 19-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Akhterzzaman et al. in view of Seppanen et al. (US-6,006,114).

Regarding claims 11 and 19, Akhterzzaman et al. disclose a method and an apparatus as recited in the rejections of claims 1 and 16, respectively. But, Akhterzzaman et al. fail to expressly show wherein modifying the setting of the alert mechanism comprises setting the intensity of the alert mechanism of the second device to a specific intensity level including a level corresponding to an imperceptible intensity. However in analogous art, Seppanen et al. teach wherein modifying the setting of the alert mechanism comprises setting the intensity of the alert mechanism of the wireless communication device to a specific intensity level including a level corresponding to an imperceptible intensity (col. 1, lines 40-54). Since, Akhterzzaman et al. and Seppanen et al. are related to modifying the setting of the alert mechanism; therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Akhterzzaman et al. by specifically modifying the setting of the alert mechanism comprises setting the intensity of the alert mechanism of the wireless communication device to a specific intensity level including a level corresponding to an imperceptible intensity as taught by Seppanen et al. for purpose of offering the user the choices of setting the intensity of the alert mechanism in order to increase the favorable effect to the user and decrease the unpleasant effect to other people.

Regarding claims 12 and 20, Akhterzzaman et al. and Seppanen et al. disclose a method and an apparatus as recited in the rejections of claims 11 and 19, respectively. Seppanen et al. further disclose wherein the alert mechanism includes an audible alert, the intensity level of the audible alert is the volume of the audible alert, and the level corresponding to an imperceptible intensity level is a mute level (col. 1, lines 40-54).

Regarding claims 13 and 21, Akhterzzaman et al. and Seppanen et al. disclose a method and an apparatus as recited in the rejections of claims 11 and 19, respectively. But, Akhterzzaman et al. and Seppanen et al. do not explicitly show wherein the alert mechanism includes an illuminating alert, the intensity level of the illuminating alert is the brightness of the illuminating alert, and the level corresponding to an imperceptible intensity level is darkness. However in analogous art, Kraft et al. teach wherein the alert mechanism includes an illuminating alert, the intensity level of the illuminating alert is the brightness of the illuminating alert, and the level corresponding to an imperceptible

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intensity level is darkness (col. 5, lines 44-52 and lines 9-25). Since, Akhterzzaman et al. and Seppanen et al. and Kraft et al. are related to multiple modes of the alert mechanism; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Akhterzzaman et al. and Seppanen et al. by specifically wherein the alert mechanism includes an illuminating alert, the intensity level of the illuminating alert is the brightness of the illuminating alert, and the level corresponding to an imperceptible intensity level is darkness as taught by Kraft et al. for purpose of offering the user the choices of selecting the alert mode in order to increase the favorable effect to the user and decrease the unpleasant effect to other people.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akhterzzaman et al. in view of Rydbeck (US-6,574,471).

Regarding claim 24, Akhterzzaman et al. disclose an apparatus as recited in the rejection of claim 16. But, Akhterzzaman et al. fail to particularly disclose wherein the first device and the second device are physically integrated into a single unit. However in analogous art, Rydbeck teaches in figure 1, wherein the first device (10) and the second device (14) are physically integrated into a single unit (col. 4, lines 10-65). Since, Akhterzzaman et al. and Rydbeck are related to controlling of an alert mechanism by communication of an event associated command; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Akhterzzaman et al. by specifically having the first device and

the second device being physically integrated into a single unit as taught by Rydbeck for purpose of allowing the user to operate the device as a mobile phone and a PDA in order to increase advantageously the use of the device in wireless communication.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

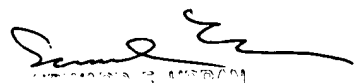
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

AU: 2685

Date : Jun. 25, 2004



HUY Q PHAN  
Examiner  
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Patent and Trademark Office  
U.S. Department of Commerce